

Remarks

Claims 20-21, 23-32, 67-71 and 81-94 were pending in the application. Claims 20-21, 23-32, 67-71, 83 and 90-93 were allowed. Claims 82, 84-89 and 94 were rejected, while claims 81 and 94 were objected to. This amendment cancels claims 82 and 84-88, and amends claims 81 and 94 to overcome the rejections and/or objections. The pending claims 20-21, 23-32, 67-71, 81, 83, and 89-94 are therefore now allowable.

Objections to Claims

Claims 81 and 94 were objected to because of the insertion of a “- -” mark in the claims. The present amendment has deleted that mark in claims 81 and 94 and the objection has been overcome.

Section 112, Second Paragraph Rejections

Claims 85, 87-89 and 94 were rejected under 35 U.S.C. Section 112, second paragraph.

Claims 85, 87 and 88 have been cancelled, and the rejection overcome with respect to those claims.

Claim 89 was rejected because of the presence of the abbreviations “CI” and “APCI” in the claims. Although these abbreviations are well known acronyms for “chemical ionization” and “atmospheric pressure chemical ionization,” claim 89 has been amended to delete the abbreviations “CI” and “APCI” from the claims as a matter of form not directed to the scope of the claims. The scope of base claim 20 is not affected by this amendment, which still generically encompasses mass spectra (including chemical ionization and atmospheric pressure chemical ionization mass spectra).

Section 112, First Paragraph Rejections

Claims 86-88 and 94 were rejected as containing new matter.

Although applicant disagrees with this rejection, claims 86-88 have been cancelled and the rejection has been overcome as to those cancelled claims.

Claim 94 was rejected because “¹⁹F” was said to not be found in the disclosure cited in the August 30, 2004 amendment. That amendment had pointed to the specification at page 10, lines 19-21 and page 12, line 20. The disclosure at page 10 noted that fingerprint spectra generically includes nuclear magnetic resonance spectra, while the disclosure at page 12 further states that the magnetic resonance phenomenon can be observed in atomic nuclei that “include ¹³C, ¹H, ¹⁵N, ¹⁹F and ³¹P.” In view of the specific disclosure of ¹⁹F as a particular example of a type of nuclear magnetic resonance target, applicants submit that claim 94 does not include new matter. In any event, additional support is found at page 61, line 8, which recites that instrumental methods include “nuclear magnetic resonance spectroscopy (such as ¹H, ¹³C, ¹⁵N, ¹⁹F, and ³¹P nuclear magnetic resonance spectroscopy).”

Prior Art Rejections

Claims 82, 84, 85, 87 and 88 were rejected in view of the prior art. These claims have all been cancelled (the reasons for cancellation of claims 84-85 and 87-88 were discussed earlier). Applicant disagrees with the prior art rejections of claims 82, 84-85 and 87-88 for the reasons already expressed in earlier responses.

Conclusions

All claims should now be in condition for allowance. If any matters remain pending before a Notice of Allowance is issued, the examiner is invited to telephone the undersigned patent attorney at the telephone number listed below.

Respectfully submitted,

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